

House Bill 372

By: Representatives Parsons of the 44<sup>th</sup>, Shaw of the 176<sup>th</sup>, Battles of the 15<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, and Burns of the 159<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to the state sales and use tax, so as to create an exemption for certain equipment used  
3 in the deployment of broadband technology; to provide for definitions; to provide for the  
4 commissioner of community affairs to make certain annual designations; to provide for the  
5 publication of certain information on the website of the Department of Community Affairs;  
6 to provide for related matters; to provide for an effective date and applicability; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the  
11 state sales and use tax, is amended in Code Section 48-8-3, relating to exemptions from state  
12 sales and use taxes, by deleting "or" at the end of paragraph (97), by replacing the period  
13 with "; or" at the end of paragraph (98), and by adding a new paragraph to read as follows:

14 "(99)(A) Broadband equipment used in the deployment of broadband technology in an  
15 eligible county by a provider of broadband technology regardless of whether the  
16 equipment is purchased by the owner, a contractor, or a subcontractor.

17 (B) As used in this paragraph, the term:

18 (i) 'Broadband equipment' means any device capable of being used for or in  
19 connection with the transmission of broadband service, including, but not limited to,  
20 asynchronous transfer mode switches, multiplexers, digital subscriber line access  
21 multiplexers, routers, servers, fiber optics, and related equipment.

22 (ii) 'Broadband service' means Internet access capable of transmitting data at a rate  
23 of at least 10 megabytes per second in the downstream direction and at least 1  
24 megabyte per second in the upstream direction.

25 (iii) 'Broadband technology' means high-speed Internet access transmissions,  
26 including, but not limited to, digital subscriber lines, cable modems, fiber, wireless,  
27 broadband over power lines, and satellites.

28 (iv) 'Eligible county' means any county that has been designated by the commissioner  
29 of community affairs in the previous calendar year:

30 (I) As a tier 1 or tier 2 county in accordance with Code Section 48-7-40; or

31 (II) As a county in which at least 10 percent of the population does not have access  
32 to fixed broadband service.

33 (C) Prior to July 1 of each year, the commissioner of community affairs shall make the  
34 annual designations described in division (iv) of subparagraph (B) of this paragraph and  
35 publish on the website of the Department of Community Affairs a listing of eligible  
36 counties.

37 (D) Any person making a sale of broadband equipment shall collect the tax imposed  
38 on the sale by this article unless the purchaser furnishes a certificate issued by the  
39 commissioner certifying that the purchaser is entitled to purchase the broadband  
40 equipment without paying the tax."

41 **SECTION 2.**

42 This Act shall become effective upon its approval by the Governor or upon its becoming law  
43 without such approval and shall apply to transactions which occur on or after that date.

44 **SECTION 3.**

45 All laws and parts of laws in conflict with this Act are repealed.